

**IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE WESTERN DISTRICT OF TEXAS  
AUSTIN DIVISION**

IN RE:	§	
	§	CASE NO. 10-11842-HCM
LAVISTA PARTNERS, L.P.	§	
	§	CHAPTER 7
DEBTOR.	§	

**TRUSTEE'S APPLICATION TO SELL PROPERTY FREE  
AND CLEAR OF LIENS AND OTHER INTERESTS**

TO THE HONORABLE H. CHRISTOPHER MOTT, U. S. BANKRUPTCY JUDGE:

NOW COMES C. Daniel Roberts, Trustee ("Trustee"), the chapter 7 trustee for the above captioned and numbered bankruptcy case, to file this Trustee's Application to Sell Property Free and Clear of Liens and Other Interests (the "Application") and in support thereof would respectfully show to the Court as follows:

1. LaVista Partners, L.P. ("Debtor") filed a chapter 11 case on July 2, 2010. The bankruptcy case was converted to a chapter 7 case on April 4, 2011, at which time the undersigned was appointed as the chapter 7 trustee.

2. In the Disclosure Statement filed by Debtor on February 7, 2011 (docket entry no. 57), Debtor identified claims and causes of actions owned by Debtor, including claims against Precept Builders, Kennedy Funding, Inc. and Mary Guerrero McDonald (collectively the "Litigations Claims").

3. Trustee requests authority pursuant to 11 U.S.C. § 363 (b) and (f) and Bankruptcy Rule 6004 to sell the Litigation Claims to Jimmy Nassour and/or his assigns for \$20,000.00 plus 30% of any recovery from said claims, net of attorneys fees and expenses. Further, any settlement of said claims must be approved by Trustee and the Bankruptcy Court.

4. The Litigation Claims are property of the bankruptcy estate and are being sold free and clear of all liens and other interests.

5. Bankruptcy Rule 6004 requires an application and order to effectuate a sale. It is necessary to file this Application so that any party-in-interest asserting a lien, whether or not such assertion is known to Trustee or Debtor, will be placed on notice that the property will be sold.

6. Concurrently with the filing of this Application, Trustee will mail to all creditors the notice attached hereto as Exhibit "A," pursuant to Bankruptcy Rule 2002 and Local Rule 2002. If no timely objections are filed, the Court should enter its order approving the sale and finding that the Litigation Claims are wholly owned by the bankruptcy estate.

7. After consultation with a tax consultant, Trustee does not believe that Debtor's bankruptcy estate will suffer any negative tax consequences as a result of the subject sale.

WHEREFORE, PREMISES CONSIDERED, Trustee respectfully prays that the Court enter an order approving the sale of the Litigation Claims pursuant to the terms and conditions set forth herein. In addition, Trustee prays for any further relief to which he may show himself justly entitled, both general and special, legal and equitable.

Respectfully submitted,

C. DANIEL ROBERTS & ASSOCIATES, P.C.  
1602 E. Cesar Chavez  
Austin, Texas 78702  
Telephone: (512) 494-8448  
Facsimile: (512) 494-8712

By: /s/ C. Daniel Roberts  
C. Daniel Roberts  
Texas Bar No.: 16999200  
droberts@cdrlaw.net

ATTORNEYS FOR CHAPTER 7 TRUSTEE

**CERTIFICATE OF SERVICE**

By my signature above, I hereby certify that on the 22nd day of July, 2011, a true and correct copy of the foregoing document was served upon the following parties via electronic means as listed on the Court's ECF noticing system or by regular first class mail, postage prepaid, and that the Notice of Application to Sell Property, attached hereto as Exhibit "A," was sent in the same manner and on the same day to all creditors and parties-in-interest listed on the attached Creditor Matrix.

J. Mark Brewer  
Sondra Jurica  
Brewer & Pritchard, P.C.  
3 Riverview, Suite 1800  
Houston, Texas 77056  
ATTORNEYS FOR MARY GUERRERO  
MCDONALD

Jimmy Nassour  
3839 Bee Cave Road, Suite 200  
Austin, Texas 78746

United States Trustee  
903 San Jacinto, Suite 230  
Austin, Texas 78701

Donald R. Taylor  
Isabelle M. Antongiorgi  
Taylor Dunham and Burgess LLP  
301 Congress Avenue, Suite 1050  
Austin, Texas 78701  
ATTORNEYS FOR H.M. PIKE, JR. AND  
JIMMY NASSOUR

Anthony P. Jach  
Griffith Nixon Davison, P.C.  
Two Lincoln Centre  
5420 LBJ Freeway, Suite 900  
Dallas, Texas 75240  
ATTORNEYS FOR PRECEPT  
COMMERCIAL, L.L.C.

**IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE WESTERN DISTRICT OF TEXAS  
AUSTIN DIVISION**

IN RE:	§	
	§	CASE NO. 10-11842-HCM
LAVISTA PARTNERS, L.P.	§	
	§	CHAPTER 7
DEBTOR.	§	

**NOTICE OF TRUSTEE'S APPLICATION TO SELL PROPERTY  
FREE AND CLEAR OF LIENS AND OTHER INTERESTS**

Notice is hereby given that Trustee requests authority to sell property of the estate free and clear of liens pursuant to 11 U.S.C. §363(b) and (f) as follows. Trustee further asserts that said property is wholly owned by the bankruptcy estate:

**DESCRIPTION:** The claims and causes of actions owned by Debtor, including claims against Precept Builders, Kennedy Funding, Inc. and Mary Guerrero McDonald as identified in the Disclosure Statement filed by Debtor on February 7, 2011 (docket entry no. 57).

**PRICE:** \$20,000.00 plus 30% of any recovery from said claims, net of attorneys fees and expenses. Further, any settlement of said claims must be approved by Trustee and the Bankruptcy Court.

**PURCHASER:** Jimmy Nassour and/or his assigns

**ESTIMATED COSTS OF SALE:** None

Dated: July 22, 2011

/s/ C. Daniel Roberts  
C. Daniel Roberts

**Address for Filing Objections:**  
U. S. Bankruptcy Clerk  
903 San Jacinto, Suite 322  
Austin, Texas 78701

**Copy of Objection to:**  
C. Daniel Roberts & Associates, P.C.  
1602 E. Cesar Chavez  
Austin, Texas 78702

<b>EXHIBIT A</b>
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AFCO  
12160 Abrams Rd  
Dallas, TX 75243-4547

Armbrust Brown  
100 Congress  
Suite 1300  
Austin, TX 78701-2744

Asbestos Consulting  
4411 Spicewood Springs Road  
Austin, TX 78759-8681

Austech Roof Consultants, Inc  
2312 Wester Trails Blvd  
Suite 403  
Austin, TX 78745-1642

Bank Direct  
2 Conway Park  
150 Northfield Drive  
Suite 190  
Lake Forrest, IL 60045

Bury Partners  
221 West 6th  
Suite 600  
Austin, TX 78701-3411

C&CTX Concrete Pumping, Inc.  
P.O. Box 2071  
Kyle, TX 78640-1804

c/o Kathleen M. Patrick  
Munsch Hardt Kopf & Harr, P.C.  
3800 Lincoln Plaza  
500 N. Akard St.  
Dallas, TX 75201-3302

Cananwill, Inc.  
5447 East 5th Street  
#110  
Tuscon, AZ 85711-2344

Capform, Inc.  
1455 Halsey Way  
Carrollton, TX 75007-4410

Centex Materials  
817 East St. Elmo Rd.  
Austin, TX 78745-1229

Centex Materials, LLC  
3019 Alvin DeVane Blvd, Bldg 1, Ste 100  
Austin TX 78741-7422

Centex Sash and Door  
2022 Centimeter Circle  
Austin, TX 78758-4956

Central Texas Refuse  
9316 FM 812  
Austin, TX 78719-3010

Central Texas Reinforcement, Inc.  
P.O. Box 150277  
Austin, TX 78715-0277

CIT Technology Financing Svcs  
c/o McCarthy, Burgess & Wolff  
26000 Cannon Road  
Cleveland, OH 44146-1807

City of Austin Street Closure  
P.O. Box 1088  
Austin, TX 78767-1088

City of Austin Utilities  
P.O. Box 2267  
Austin, TX 78783-0001

CMC Capital City Steel  
800 N. IH 35  
Austin, TX 78701

Comfort Systems USA  
9601 Dessau Rd.  
Bldg. 3, Suite 303  
Austin, TX 78754-3961

Commerce Street.com  
2105 E. Division St.  
Arlington, TX 76011-7817

CTA Architects  
3601 S. Congress Avenue  
Building B, Suite 200  
Austin, TX 78704-7250

Datum Engineers  
5929 Balcones Dr.  
Suite 100  
Austin, TX 78731-4280

Documation  
1556 International Dr.  
Eau Claire, WI 54701-7058

Eric J. Taube  
Hohmann Taube & Summers, LLP  
100 Congress Ave, Suite 1800  
Austin, TX 78701-4042

Fondren Family  
c/o Boone Almanza  
Almanza, Blackburn & Dickie LLP  
2301 S. Capita of Texas Hwy., Bldg. H  
Austin, TX 78746-7700

Gene Fondren  
c/o Molly Mitchell  
Almanza Blackburn & Dickie  
2301 S. Cap of TX Hwy, Bldg. H  
Austin, TX 78746-7700

Guerrero-McDonald & Associates, Inc  
P.O. Box 160518  
Austin, TX 78716-0518

Harrison Pearson  
4014 Medical Parkway  
Suite 100  
Austin, TX 78756-3703

Holt Engineering  
2220 Barton Skyway  
Austin, TX 78704-4702

Icon Plumbing, Heating, and Air, Ltd.  
4903 Commercail Park Drive  
Austin, TX 78724-2638

INTERNAL REVENUE SERVICE  
CENTRALIZED INSOLVENCY OPERATIONS  
PO BOX 7346  
PHILADELPHIA PA 19101-7346

Jimmy Nassour/Jim Mattox  
3839 Bee Cave Road  
Suite 200  
Austin, TX 78746-6400

KDR Electric Services, Inc  
P.O.Box 82221  
Austin, TX 78708-2221

LaVista Partners, L.P.  
2703 Swisher  
Office Suite  
Austin, TX 78705-3439

LAZ Parking, Texas LLC  
101 West 6th  
Suite 515  
Austin, TX 78701-2934

Lewis Equipment Company, Inc.  
c/o Davor Rukavina/Kate Patrick  
Munsch Hardt Kopf & Harr, P.C.  
3800 Lincoln Plaza, 500 N. Akard St.  
Dallas, TX 75201-6659

Lewis Equipment Company, Inc.  
c/o Scott M. Seidel, Trustee  
No. 357 - Suite 306  
6505 West Park Blvd.  
Plano, TX 75093-6208

Lewis Equipment Company, L.P.  
1400 West Shady Grove  
Grand Prairie, TX 75050-7117

Liquid Waste Solutions  
11512 Via Grande Dr.  
Austin, TX 78739-1922

Mark Curtis Taylor  
Hohmann, Taube & Summers, LLP  
100 Congress Ave, Suite 1800  
Austin, TX 78701-4042

Mary Guerrero-McDonald  
PO Box 160518  
Austin, TX 78716-0518

Mechanical Technical Services, Inc. (MTECH)  
c/o Calley D. Callahan  
7600 N. Capital of Texas Hwy  
Suite B-110  
Austin, Texas 78731-1136

Milestone Metals  
113 West Lorino  
Houston, TX 77037-1515

Modspace  
16200 Central Commerce Dr.  
Pflugerville, TX 78660-2032

Morales and Associates, Inc.  
2705 Bee Cave Road  
#230  
Austin, TX 78746-5684

Movecorp  
9230 Neils Thompson Drive #102  
Austin, TX 78758-7523

N-Line Traffic Maintencance, LLC  
PO Box 4750  
Bryan, TX 77805-4750

National Construction Rentals  
116 Nell Deane  
Schertz, TX 78154-1500

Nelda Wells Spears, Tax Collector  
P.O. Box 149328  
Austin, TX 78714-9328

Nline  
9519 U.S. Hwy 290 East  
Austin, TX 78724-2315

Pat Laffey, CPA  
603 Davis  
#1503  
Austin, TX 78701-4207

Patriot Erectors, Inc.  
c/o The Gardner Law Firm  
Thomas J. Walthall  
745 East Mulberry Avenue, Suite 500  
San Antonio, Texas 78212-3154

Patriot Erectors, Inc.  
c/o Thomas J. Walthall, Jr.  
The Gardner Law Firm P.C.  
745 E. Mulberry, Suite 500  
San Antonio, Texas 78212-3154

Precept Builders, Inc.  
1909 Woodall Rogers Freeway  
Suite 300  
Dallas, TX 75201-2255

Precept Builders, Inc.  
c/o Anthony P. Jach  
Griffith Nixon Davison, P.C.  
Two Lincoln Centre, 5420 LBJ Frwy.,  
Suite 900, Dallas, Texas 75240

Precept Commercial, LLC  
1909 Woodall Rogers Freeway  
Suite 300  
Dallas, TX 75201-2255

Precept Commercial, LLC  
c/o Anthony P. Jach  
Griffith Nixon Davison, P.C.  
Two Lincoln Centre, 5420 LBJ Frwy,  
Suite 900, Dallas, Texas 75240

Recon Services  
P.O. Box 869  
Dripping Springs, TX 78620-0869

Rock Island Rigging, Inc.  
c/o Davor Rukavina/Kate Patrick  
Munsch Hardt Kopf & Harr, P.C.  
3800 Lincoln Plaza, 500 N. Akard St.  
Dallas, TX 75201-6659

Rock Island Rigging, Inc.  
c/o Scott M. Seidel, Chapter 7 Trustee  
No. 357 - Suite 306  
6505 West Park Blvd.  
Plano, TX 75093-6208

Rock Island Rigging, LLC  
1400 West Shady Grove  
Grand Prairie, TX 75050-7117

Service Life & Casualty Company  
c/o Molly Mitchell  
Almanza, Blackburn & Dickie, LLP  
2301 S. Capital of Texas Hwy., Bldg. H  
Austin, Texas 78746-7700

Service Life & Casualty Ins. Co.  
c/o Hightower & Assoc.  
3006 Bee Cave Rd  
Pallisades Suite D-200  
Austin, TX 78746-5588

Service Life & Casualty Insurance Company  
c/o Marvin E. Sprouse III  
Jackson Walker LLP  
100 Congress Avenue, Suite 1100  
Austin, Texas 78701-4042

Sneed Vine & Perry  
901 Congress Avenue  
Austin, TX 78701-2421

Stuart Allan & Associates  
5447 East 5th Street, Suite 110  
Tucson, AZ 85711-2345

The Sutton Company  
2703 Swisher  
Office Suite  
Austin, TX 78705-3439

Time Warner Cable  
P.O.Box 66097  
Dallas, TX 75266

Tippen Fabrication and Erection, Inc  
100 East Lawrence Street  
Boyd, TX 76023-3034

Travis County  
c/o Karon Y. Wright  
P.O. Box 1748  
Austin, Texas 78767-1748

Waterfilled Barriers, Inc.  
P.O.Box 13  
Paige, TX 78659-0013

William Gammon Insurance  
1615 Guadalupe Street  
Austin, TX 78701-1299